

C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THE KROGER CO., : Case No.: C-1-02-439

:
Plaintiff, : Beckwith, J.
: Sherman, M.J.

v. :

: **PLAINTIFF'S DESIGNATIONS OF**
EXPERTS

MALEASE FOODS CORP., :

Defendant. :

Plaintiff The Kroger Co. identifies the following experts who may be called to testify at the trial of this matter:

1. James D. Price
Price & Marshall, Inc.
450 Seventh Avenue
Suite 1505
New York, New York 10123
2. Scott Butler
Price & Marshall, Inc.
78 Alderbrook Drive
Building D
Topsfield, MA 01983
3. Jonathan Libbert
Johnson Cambra & Libbert, Inc.
4721 Cornell Road
Cincinnati, Ohio 45241
4. Each and every one of the names designated by the Defendant.
5. The Kroger Co. reserves the right to supplement this disclosure in a timely fashion based upon continuing discovery.

The Kroger Co. reserves the right to dispute the expert status of any or all of the individuals designated by the Plaintiff.

Respectfully submitted,

Scott D. Phillips
Scott D. Phillips (0043654)
Trial Attorney for Plaintiff
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6983

OF COUNSEL:

Douglas R. Dennis (0065706)
FROST BROWN TODD LLP
2200 PNC Center
201 E. Fifth Street
Cincinnati, OH 45202
(513) 651-6727

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been sent by ordinary United States mail, postage prepaid on this 30th day of September, 2003 to:

Gary R. Winters, Esq.
McCaslin, Imbus & McCaslin
900 Provident Bank Building
632 Vine Street
Cincinnati, OH 45202-2442

Robert W. Cinque, Esq.
Cinque & Cinque
845 3rd Avenue, Suite 1400
New York, NY 10022